

WARRICK COUNTY COUNCIL

RESOLUTION NO. 2021- 08

**A RESOLUTION ESTABLISHING A POLICY REGARDING
ELECTRONIC PARTICIPATION IN MEETINGS**

WHEREAS, on April 20, 2021, P.L. 88-2021 (HEA 1437) (the "Act"), which prescribes new requirements by which members of a governing body of a public agency of a political subdivision may participate in a meeting by electronic means of communication under Indiana Code § 5-14-1.5;

WHEREAS, the Act requires the governing body to adopt a written policy establishing procedures for electronic participation by a member in a meeting; and

WHEREAS, the Warrick County Council (the "Council") is a governing body of Warrick County, Indiana.

NOW, THEREFORE, BE IT RESOLVED that the Council adopts the following policy:

Section 1. This resolution shall be known as the "Electronic Meetings Policy" of the Council and applies to the Council and any of its committees.

Section 2. The Electronic Meetings Policy is as follows:

Electronic Meetings Policy of the Warrick County Council

I. General Electronic Participation Provisions.

A Council member may participate electronically in a Council meeting, subject to this Policy and the requirements of Indiana Code § 5-14-1.5, only if:

1. All participating Council members can simultaneously communicate,
2. The public can simultaneously attend and observe the meeting, except for executive sessions, and
3. At least 50% of the Council members are physically present at a meeting.

All votes during a meeting in which a Council member participates electronically shall be taken by roll call.

Meeting minutes for meetings at which a Council member participates electronically must include the following:

1. The name of each Council member physical present,

2. The name of each Council member participating electronically,
3. The name of each absent Council member,
4. The electronic means of communication used by Council members, and
5. The electronic means of communication used by the public to attend.

A Council member who participates electronically is considered present for purposes of establishing a quorum.

A Council member participating electronically may participate in final action only if the Council member can be seen and heard.

Technological failures that disrupt or prevent simultaneous communication between a Council member or a member of the public who are not physically present do not prevent the Council from conducting the meeting or taking final action as long as the Council members physically present satisfy the quorum and voting requirements.

A Council member cannot attend more than 50% of the meetings in a year electronically, unless the electronic participation is due to:

1. Military service,
2. Illness or other medical condition,
3. Death of a relative, or
4. An emergency involving actual or threatened injury to persons or property.

A Council member cannot attend more than two consecutive meetings by electronic participation, unless the Council member's absence is due to one of the above exceptions. Otherwise, two consecutive meetings of electronic participation shall be followed by the Council member's physical presence at the next meeting.

Electronic participation is prohibited, and all Council members must be physically present at a meeting, for the Council to take the following final actions:

1. Adopting a budget;
2. Making a reduction in personnel;
3. Initiating a referendum;
4. Establishing or increasing a fee;
5. Establishing or increasing a penalty;
6. Using eminent domain authority; and
7. Establishing, raising, or renewing a tax.

II. Electronic Participation During Disaster Emergency.

These provisions apply if:

1. The Governor declares a disaster emergency under IC 10-14-3-12, or
2. The County Commissioners declare a local disaster emergency under IC 10-14-3-29.

Notwithstanding the General Electronic Participation Provisions of this Policy, the Council members are not required to be physically present at a meeting until the disaster emergency or local disaster emergency is terminated.

Council members may meet by electronic means if:

1. At least a quorum participates electronically or in person,
2. The public can simultaneously attend and observe the meeting, except for executive sessions, and
3. The meeting memoranda includes:
 - a. The name of each Council member participating electronically,
 - b. The name of each absent Council member,
 - c. The electronic means of communication used by Council members, and
 - d. The electronic means of communication used by the public to attend.

All votes during a meeting under this section shall be taken by roll call.

Section 3. The Council has the authority to amend or revoke this Policy at any time.

Section 4. This resolution shall be effective upon its adoption by the Council.


ADOPTED by the Warrick County Council this 3 day of June, 2021.

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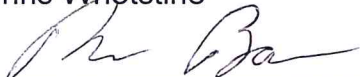
Warrick County Council



Greg Richmond, President




Chris Whetstone



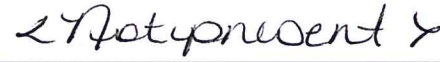
Ron Bacon




Richard Reid



Brad Overton, Vice President




David Hachmeister



Ted Metzger

ATTEST:



Deborah K. Stevens, Auditor
Warrick County, Indiana